

Respond to an ejectment lawsuit

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If you get served with a **Summons and Complaint for Ejectment**, your landlord or property owner has started a lawsuit to remove (eject) you from the property. If you don't respond in writing by the deadline in the Summons, you could lose automatically. Read this for help responding quickly in two types of situations: (1) you're a tenant who pays rent to live at the property, or (2) you have permission to live there and you don't pay rent money.

1. Fast facts

In Washington state, there are 2 different procedures for removing a tenant from a landlord's property. One is an **eviction (unlawful detainer action)**, and the other is an **ejectment**. The type of procedure the landlord or property owner should use depends on your relationship to them.

- An **eviction** is a special type of court case designed to move quickly to decide limited questions: who has the right to control or possess the rental property and if the tenant owes any rent or other money. The

eviction court judge can only review certain types of tenancies: residential (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18>), mobile home park (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.20>), and other ongoing tenancy (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.12.030>). The eviction process is generally much faster than other types of court cases.

- A judge in an **ejectment** case can make more decisions (<https://app.leg.wa.gov/RCW/default.aspx?cite=7.28>) about getting back real property (land or buildings). The judge can decide who has the legal right to possession or ownership and more, including counterclaims and damages. The process is generally slower than an eviction lawsuit.

If you've received a **Summons and Complaint for Ejectment**, your landlord or property owner has started an ejectment lawsuit to get court permission to remove (**eject**) you. You must respond in writing right away, even if the court papers don't have a case number. If you don't, you could lose automatically. This guide will help you respond quickly.

An ejectment lawsuit can also be called a **Quiet Title Action**. Look at the relief requested towards the end of the Complaint to see what the landlord or property owner is asking the court to do. If you see the words **writ of ejectment** or **writ of restitution**, they're asking permission to remove you from the property.

2. If you pay rent

If you pay rent money to your landlord, your landlord must provide a good (legal) reason to end your tenancy. The same is true for a mobile park owner where you pay money to rent lot space (land). If the landlord doesn't follow the law, such as providing the required written notice, this is a good (legal) reason to ask the court to end or cancel (to dismiss) the lawsuit.

Low-income tenants served with eviction lawsuits may qualify for a free lawyer to represent them in court. But some landlords choose to file an ejectment lawsuit, where there's no right to counsel for tenants. If you can't afford to pay for a lawyer, you must represent yourself in an ejectment lawsuit.

You might not qualify for a free lawyer but still qualify for free legal advice.

If you've received a Summons for Ejectment, you must respond to the lawsuit in writing. Anything you want the judge to consider must be submitted (filed) with the court clerk in writing and served on the landlord or their lawyer. If you don't respond, you could lose automatically (by default). The court won't accept the reason that you didn't know how to respond as a defense to default.

3. If you don't pay rent

If you have permission to live in a place but **don't** pay money for rent, you may be a **tenant at will**. ()The property owner or landlord can end your

tenancy at any time if they give you **reasonable notice** to move out. A Washington appellate court decided this in *Najewitz v. City of Seattle*, 21 Wn.2d 656, 152 P.2d 722 (1944).

The law doesn't say what's considered a "reasonable" amount of time. You may try to ask for more time (extension) based on hardship or disabilities, but the property owner doesn't have to give you more time.

If you don't move out by the time you were told to leave, the property owner can only remove you with a signed court order called a **writ of ejectment**. It's illegal for property owners to lock you out or shut off your utilities without a court order. A Washington appellate court decided this in *Gray v. Pierce Cnty. Hous. Auth.*, 123 Wn. App, 744, 97 P.3d 26 (2004).

If you've received reasonable notice, you should move out immediately to avoid more financial responsibility. Property owners may ask the court to award them court costs, attorneys' fees, and sometimes back rent from when you lived in the property without paying money for rent.

If you've received a Summons for Ejectment, you must respond to the lawsuit in writing, even if there's **no case number**. If you don't, the **property owner wins by default**. You won't get notice of a Default Judgment against you if you haven't at least filed a Notice of Appearance.

Once the owner gets a judgment against you, the owner may be able to take money from your bank account or paycheck, or take some of your property to pay the judgment.

Moving won't stop the ejectment lawsuit. You must notify the person who filed the lawsuit (the Plaintiff) in writing that you've moved. Keep proof that you gave them this notice.

The Plaintiff may have asked the court to award them money (damages) in addition to ordering you to leave. The Plaintiff can still go ahead with the lawsuit even though you've already moved out. You can try to talk to the Plaintiff or their lawyer to see if they'll agree to dismiss the lawsuit. If they won't, you must file a motion asking that the lawsuit be dismissed.

4. Legal defenses

You can bring up good (legal) reasons in your written response (called an **Answer**) to ask the court to dismiss the lawsuit. These are called **defenses**.

If you don't have any defenses, you'll lose the lawsuit. You may try to resolve (settle) the lawsuit with the property owner or their lawyer by moving out as soon as possible.

Here are some common possible defenses for tenants at will:

- **No notice:** If the property owner never gave you any notice verbally or in writing to leave, this may be a defense to the ejectment lawsuit.
- **The ejectment lawsuit wasn't properly started:** It's a possible defense to an ejectment that the Plaintiff made mistakes in the steps taken to

start the lawsuit. These are called **procedural errors**.

- **The owner starts the lawsuit before the notice period expires.** If you have proof that you were given a later date to move out, this is a defense to the ejectment.

Example: The owner told you to move out by June 30. You're working to move out. But the owner filed the lawsuit on June 15, before your deadline to vacate.

- **You weren't properly served.** To start a lawsuit, an adult age 18 or older who isn't the Plaintiff must hand the court papers to you or someone of suitable age living with you. If you're not home, the Plaintiff must follow legal rules to serve you differently.

Example 1: A process server handed the Summons and Complaint to a friend visiting your home. Your friend doesn't live with you.

Example 2: A process server handed the court papers to your 10-year-old child. A 10-year-old isn't a person of suitable age.

Example 3: The property owner handed you the court papers. The property owner is the Plaintiff and isn't allowed to personally serve you to start the case.

- **You weren't given enough time to respond to the lawsuit under Washington's Civil Rules.** Generally, you have **20 days** to respond after being served with the Summons and Complaint

(https://www.courts.wa.gov/court_rules/pdf/CR/SUP_CR_04_00_00.pdf).

You have **60 days** to respond

(https://www.courts.wa.gov/court_rules/pdf/CR/SUP_CR_12_00_00.pdf) if

you were served by publication, out of state, or while you're in a jail, detention, or prison facility. It's a defense if you were properly served but not given enough time to respond. But the landlord or owner may be able to fix the mistake and restart or continue the lawsuit.

Example: You were handed the Summons and Complaint in Washington state by a process server. The Summons tells you to respond by a certain date, which is only 7 days after service.

- **Lack of standing:** To sue someone in court, you must have **standing**, which means the law gives you the right to sue. You might have the defense that the Plaintiff doesn't have standing to remove you from the property. Here are some common examples of lack of standing:

Example 1: You're a live-in caregiver for a relative. You aren't required to pay rent. Your relative just passed away, and their children are suing to eject (remove) you from the home. There was no will, and no one's been appointed by the court to represent your relative's estate yet. None of the children have title to the home. The children lack standing to eject you because they don't own the home and no one's legally appointed to manage the estate's affairs.

Example 2: You and the Plaintiff are married and bought the property together during your marriage. Your spouse had better credit, so the mortgage is in their name. You've separated and are working on a divorce, but haven't gotten any court decisions yet. Since the home is community property you got during your marriage, you have an ownership interest in the property even if your name's not on the title. The Plaintiff can't ask the court to eject you.

Example 3: You and the Plaintiff were in a long-term relationship for 20 years but never married. Everyone treats you like a married couple. Early in your relationship, Plaintiff bought a house. You're not on the title, but you made mortgage payments during your relationship. You've recently split up, and Plaintiff has asked you to leave. It may be a defense to ejectment that you have an ownership interest in the property because you were in a "marriage-like" relationship. You may need to file a separate lawsuit to claim your right to a fair share of the value of your contributions to the home. This process is complicated. Try to talk to a lawyer.

- **Not given a reasonable amount of time to vacate:** You may not agree with how much time the property owner gave you to move out. The judge may decide how much time is reasonable on a case-by-case basis. A judge may consider factors such as how long you've lived in the home, health issues, disabilities, and so on. Generally, this is a weaker defense.

5. Respond

If you've been served a Summons and Complaint to an ejectment lawsuit, **you must respond in writing**. If you don't respond by the deadline, the court will give the other party everything they've asked for in their court papers with no input from you (called a default judgment). It's very hard to undo a default.

Follow these steps:

1. **Check your deadline!** It's usually **20 days** from the date a server hands the papers to you or someone in your home. Read the Summons carefully for the deadline.
2. **Fill out the forms in the last chapter of this guide:**
 - Notice of Appearance
 - Answer and Affirmative Defenses to Ejectment.
3. **Haga copias.** Necesita su original más **3 copias** de cada formulario completado incluyendo órdenes propuestas:
 - 1 para usted
 - 1 para la otra parte (o su abogado, si tienen uno)
 - 1 para el juez como copia de cortesía (si son necesarias en su condado)

Organice las copias en juegos, de modo que haya un juego para cada persona que necesite una copia. Ponga cada juego de papeles en un sobre dirigido a cada parte, con su dirección de remitente. Estos juegos los usará para la notificación procesal.

4. **Serve a copy** on the other party. If the other party has a lawyer, serve the lawyer.

La notificación del proceso se puede hacer por **entrega en mano** o por **correo postal de primera clase**. A veces la notificación del proceso se puede hacer por **correo electrónico** o **fax**, pero solo si la otra parte ha puesto por escrito que está de acuerdo en aceptar documentos legales para este caso de esa manera.

Para la notificación **por entrega en mano**, la otra parte (o el abogado) tiene que recibir su copia antes de que venza el plazo. Pídales a ellos o a su personal de oficina que timbren la fecha en la copia suya. Entrega en mano significa una de las siguientes cosas:

- Entregárselo a la otra parte (o a su abogado)
- Dejarlo en su oficina con su empleado o con otra persona encargada de la oficina
- Si no hay nadie a cargo, dejarlo en algún lugar en la oficina donde alguien pueda encontrarlo fácilmente (ejemplo: encima del mesón de recepción)
- Si la oficina está cerrada o la persona no tiene oficina, dejarlo en su hogar con un adulto que vive allí

Si está enviándolos por correo, tiene que poner sus papeles en el correo **más de tres días antes** de que venza el plazo.

- Cuando haga el cálculo, no cuente el día de envío, los fines de semana ni los días festivos judiciales (ejemplo: si envía algo por

correo un lunes, eso cuenta como notificado el jueves)

- Si el tercer día es un fin de semana o un día festivo, no cuenta como "notificado" hasta el siguiente día judicial

Si envía sus documentos por correo regular de primera clase, puede enviar una copia extra por correo certificado, con confirmación de entrega, para tener una prueba adicional del envío. Anexe una copia de la información de seguimiento o tarjeta firmada del recibo de entrega a su comprobante de notificación.

Si envía un correo electrónico, guarde una copia del correo electrónico que envió y cualquier respuesta de la otra parte que demuestre que lo recibió.

Si envía un fax, guarde la página de confirmación de transmisión del fax que demuestra que se envió.

5. **File the originals with the Superior Court Clerk.** (If the case hasn't yet been filed, skip this step.)

Usted puede ser notificado de una demanda antes de que el caso sea presentado en el juzgado. Busque un número de caso en los documentos que recibió. Debería estar en la parte superior derecha de la primera página. **Si hay un número de caso, el caso fue presentado en el juzgado.** Si no ve un número de caso, es posible que no se haya presentado todavía. Puede llamar a la secretaría del juzgado para averiguarlo.

Para presentar papeles en el juzgado en persona: Lleve sus documentos ya completos a la secretaría del juzgado y presente los originales. Haga que timbren sus copias con la fecha para demostrar que fueron presentados. Guarde sus copias.

Para presentar papeles en el juzgado por correo: envíe por correo a la oficina de la secretaría del juzgado 2 copias junto con un sobre de retorno con franqueo pagado dirigido a usted. ¡Envíe sus documentos por correo con tiempo para que el juzgado los reciba antes de que venza el plazo!

Algunos juzgados permiten presentar documentos en línea (e-file).

Consulte el sitio web de la secretaría de su juzgado para obtener instrucciones.

6. **Try to talk to a lawyer.**

7. **Go to any scheduled hearing or trial.** After you file your Notice of Appearance and Answer, the Plaintiff should schedule another hearing to ask the court to decide the case. If there are no disagreements about why the Plaintiff has the legal right to get back control of their property (possession), the Plaintiff may schedule a **Summary Judgment hearing**.

If there are disagreements (issues of material fact), the Plaintiff should schedule the case for a **trial**.

Bring your documents with you to any hearings. Your court hearing may be by phone or online. The court papers should list the location or call-in

information. Call the court if you're unsure.

Si su audiencia es en línea, siga estos consejos para las audiencias por teléfono y por video.

¿Necesita intérprete? Usted tiene derecho a los servicios de un intérprete en el juzgado sin costo alguno para usted. Cada juzgado debe tener una persona de contacto para solicitar intérpretes. Tan pronto se entere de una cita en el juzgado, póngase en contacto con el juzgado para pedir un intérprete.

6. Strike Show Cause hearing

Some landlords or their attorneys may schedule a **"Show Cause Hearing"** (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.370>) in the lawsuit to ask the court to quickly decide if the landlord can remove (eject) you. **This is a legal error and you can object to it!** Show Cause Hearings are only available in eviction lawsuits (unlawful detainer actions), **not** ejectment lawsuits.

If you got notice about a "Show Cause Hearing," with or without an Order to Show Cause, you can file a **Motion to Strike** asking that the Show Cause Hearing be canceled because the court has no authority to hold this type of hearing in ejectments.

If the judge agrees to strike the hearing, you may have more time to try to work out a solution with the Plaintiff (agreed settlement) and/or move out before the correct type of hearing is scheduled.

The process can be complicated. Try to talk to a lawyer.

If you decide to file a **Motion to Strike** on your own, follow these steps:

1. **Contact the Superior Court Clerk's office.** Ask if they have special (local) forms you must use to schedule a hearing. If so, use those forms instead of ours.

Tell them you're going to file a **Motion to Strike a Show Cause Hearing**. Ask when you can schedule a hearing on your motion **before** the Show Cause Hearing, and for help with other details on the Notice of Hearing form. You can also wait to fill this part out until you go to court to file your papers.

If you can't schedule it before the Show Cause, schedule it to be heard at the **same day and time** as the Show Cause. At the Show Cause Hearing, ask the judge to consider your Motion to Strike first.

2. **Fill out these forms:**

- Motion to Strike Show Cause Hearing (NJP Housing 668)
- Order on Motion to Strike Show Cause Hearing (NJP Housing 669)
- Notice of Hearing (NJP General 008) (or use a local form for this)

3. **Haga copias.** Necesita su original más **3 copias** de cada formulario completado incluyendo órdenes propuestas:

- 1 para usted
- 1 para la otra parte (o su abogado, si tienen uno)
- 1 para el juez como copia de cortesía (si son necesarias en su condado)

Organice las copias en juegos, de modo que haya un juego para cada persona que necesite una copia. Ponga cada juego de papeles en un sobre dirigido a cada parte, con su dirección de remitente. Estos juegos los usará para la notificación procesal.

4. **Presente sus originales** en la Secretaría del Tribunal Superior. Entregue al funcionario los originales de todos los formularios que va a presentar **excepto** que pregunte al funcionario qué hacer con los originales de sus órdenes propuestas, si las hay. Siga las instrucciones del funcionario.

Pida al funcionario de la secretaría del juzgado que timbre sus copias para mostrar la fecha en que usted presentó y registró los originales. Quédese con las copias que el funcionario timbre. El funcionario se queda con el original.

Entregue copias de cortesía al juez, si es necesario en su condado.

5. **Serve the other party** with copies of everything you filed, and any proposed orders.

Esto puede hacerlo usted mismo o puede hacer que otra persona lo haga por usted. Siempre se puede hacer la notificación por entrega en mano o por correo postal. La notificación por correo electrónico o fax se puede hacer solo si la otra parte (o su abogado) dice que acepta esa manera de notificación procesal en sus papeles, o si las reglas de su juzgado local lo permiten.

Para la notificación por entrega en mano, la otra parte (o el abogado) tiene que recibir su copia antes de que venza el plazo. Pídales a ellos o a su personal de oficina que timbren la fecha en la copia suya.

Para notificar por correo, tiene que poner las copias en el correo por lo menos **3 días antes** de que venza el plazo. Pregunte en la Oficina de Correos por un seguimiento o confirmación de entrega.

Usted (o su notificador) tiene que llenar y firmar el Comprobante de envío por correo o entrega en mano. Haga 1 copia.

File the original Proof of Mailing or Hand Delivery with the Superior Court Clerk. Bring your copy to the hearing.

6. **Confirme su audiencia, si es requerido.** En algunos condados, tiene que ponerse en contacto con la oficina de la secretaría para confirmar que quiere que su audiencia tenga lugar el día en que está programada. Si no confirma dentro del plazo indicado, **su audiencia será cancelada**. Pida instrucciones en la oficina de la Secretaría del Tribunal.

7. **Go to your hearing.** Ask the judge to sign your proposed order striking the show cause hearing.

7. Dismiss

If the Plaintiff didn't follow the law or the required steps to start the lawsuit, or you've identified a good (legal) defense to dismiss the lawsuit, you can file a motion asking the court to dismiss the lawsuit without prejudice. This process can be complicated. Try to talk to a lawyer.

"Without prejudice" means the Plaintiff can start the lawsuit again in court if the mistakes are corrected.

If the court approves your motion to dismiss the ejectment lawsuit, you may also ask the court to sign an Order to Limit Dissemination. Ejectment lawsuits may have a negative effect on your tenant screening reports. Read more about how to stop an eviction or ejectment from showing up on tenant screening reports.

If you decide to file a **Motion to Dismiss** on your own, follow these steps:

1. **Contact the Superior Court Clerk's office.** Ask if they have special (local) forms you must use to schedule a hearing. If so, use those forms

instead of ours.

Tell them you're going to file a **Motion to Dismiss**. Ask when you can schedule a hearing on your motion and for help with other details on the Notice of Hearing form. You can also wait to fill this part out until you go to court to file your papers.

2. Fill out these forms:

- Motion to Dismiss Ejectment (NJP Housing 666)
- Order on Motion to Dismiss Ejectment (NJP Housing 667)
- Notice of Hearing (NJP General 008) (or use a local form for this)

3. Haga copias. Necesita su original más **3 copias** de cada formulario completado incluyendo órdenes propuestas:

- 1 para usted
- 1 para la otra parte (o su abogado, si tienen uno)
- 1 para el juez como copia de cortesía (si son necesarias en su condado)

Organice las copias en juegos, de modo que haya un juego para cada persona que necesite una copia. Ponga cada juego de papeles en un sobre dirigido a cada parte, con su dirección de remitente. Estos juegos los usará para la notificación procesal.

4. Presente sus originales en la Secretaría del Tribunal Superior. Entregue al funcionario los originales de todos los formularios que va a presentar **excepto** que pregunte al funcionario qué hacer con los originales de sus

órdenes propuestas, si las hay. Siga las instrucciones del funcionario.

Pida al funcionario de la secretaría del juzgado que timbre sus copias para mostrar la fecha en que usted presentó y registró los originales. Quédese con las copias que el funcionario timbre. El funcionario se queda con el original.

Entregue copias de cortesía al juez, si es necesario en su condado.

5. **Serve the other party** with copies of everything you filed, and any proposed orders.

Esto puede hacerlo usted mismo o puede hacer que otra persona lo haga por usted. Siempre se puede hacer la notificación por entrega en mano o por correo postal. La notificación por correo electrónico o fax se puede hacer solo si la otra parte (o su abogado) dice que acepta esa manera de notificación procesal en sus papeles, o si las reglas de su juzgado local lo permiten.

Para la notificación por entrega en mano, la otra parte (o el abogado) tiene que recibir su copia antes de que venza el plazo. Pídales a ellos o a su personal de oficina que timbren la fecha en la copia suya.

Para notificar por correo, tiene que poner las copias en el correo por lo menos **3 días antes** de que venza el plazo. Pregunte en la Oficina de Correos por un seguimiento o confirmación de entrega.

Usted (o su notificador) tiene que llenar y firmar el Comprobante de envío por correo o entrega en mano. Haga 1 copia.

File the original Proof of Mailing or Hand Delivery with the Superior Court Clerk. Bring your copy to the hearing.

6. **Confirme su audiencia, si es requerido.** En algunos condados, tiene que ponerse en contacto con la oficina de la secretaría para confirmar que quiere que su audiencia tenga lugar el día en que está programada. Si no confirma dentro del plazo indicado, **su audiencia será cancelada.** Pida instrucciones en la oficina de la Secretaría del Tribunal.

7. **Go to your hearing.** Bring Ask the judge to sign your proposed order dismissing the ejectment case.

If the court approves your motion to dismiss the ejectment lawsuit, you may also ask the court to sign an Order to Limit Dissemination. This order stops tenant screening companies from showing an ejectment record when you apply for housing.

8. Forms

Use these forms to respond to an ejectment lawsuit. You may need other forms to strike a show cause hearing or ask the court to dismiss the case.

Form attached:

Notice of Appearance (general civil) (NJP General 005)

Form attached:

Answer and Affirmative Defenses to Ejectment (NJP Housing 665)

Form attached:

Declaration of (name): _____ (general civil) (NJP General 010)

Siga las reglas generales para formatear y llenar documentos judiciales.

Tips for filling out Notice of Appearance (NJP General 005)

The Notice of Appearance simply tells the Plaintiff (person starting the lawsuit) and the court you want to defend yourself in the case and you want to get notice if anything else happens in the case.

You must file and serve your NOA on time even if you don't have legal help.

Tips for filling out Answer (NJP Housing 665)

In the Complaint, the landlord or property owner makes statements about you and claims good (legal) reasons to end your tenancy. **The landlord or owner saying things about you in the complaint doesn't make them true.**

Your Answer is your chance to tell the court which of the landlord or owner's statements are true (should be **admitted**); which aren't true (should be **denied**); and which statements you don't know or understand, or can't remember if it's true (should be **denied for lack of knowledge or information**).

You can attach any proof (evidence) you have that will help convince the judge that your statements are true or more believable (credible). You may attach a a

statement signed under penalty of perjury by yourself and/or other witnesses, called a **Declaration**. You may have photos, screenshots, emails, texts that prove why the statements in the Complaint aren't true.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

Superior Court of Washington, County of _____

Petitioner / Plaintiff:

And Respondent / Defendant:

No. _____

Notice of Appearance

(No mandatory form)

Notice of Appearance

To: Petitioner / Plaintiff or their Attorney (*name*): _____

And to the Superior Court Clerk

1. **Appearance.** My name is: _____. I am filing this notice to appear in this case. I must be notified of any court hearings and receive copies of any papers filed in this case.

I agree to accept legal papers for this case at the following address/es:

Street or mailing address *city* *state* *zip*

☐ Email (*optional*): _____

2. **Proof of service.** I declare: on (*date*): _____, I served or will serve a copy of this Notice of Appearance to the Petitioner / Plaintiff or their Attorney named above by (*check all that apply*):

☐ **hand delivery** ☐ **first class mail** ☐ **certified mail** to (*address*):

Street or mailing address *city* *state* *zip*

☐ **fax to:** _____ ☐ **email to:** _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____

Respondent / Defendant signs here

Print name

Superior Court of Washington, County of _____

Plaintiff/s (*landlord or owner*):

vs.

Defendant/s (*tenant*):

No. _____

Answer and Affirmative Defenses to
Ejectment

(*No mandatory form*)

Answer and Affirmative Defenses to Ejectment

Use this form to respond to the Complaint in an ejectment or quiet title action. Use this form together with a Notice of Appearance.

To the person filing the Answer:

If you want the court to consider your side, you **must**:

- Have a copy of your papers served on all other parties or their lawyers AND
- File your original documents with the Superior Court Clerk (if the case has been filed).

1. Answer

Defendant answers the complaint as follows (*read each numbered paragraph of the complaint and say below if you admit, deny, or don't know for each one*):

☐ **I admit** the statements in paragraph numbers: _____
except for the following statements:

☐ **I deny** the statements in paragraph numbers: _____
except for the following statements:

☐ I don't know about the truth and so deny the statements in paragraph numbers:

2. Affirmative Defenses

Defendant/s other defenses are (*check all that apply, if any*):

a. No reasonable notice

- ☐ I never received a termination or vacate notice telling me to leave (demanding possession). *Najewitz v. City of Seattle*, 21 Wn.2d 656, 659, 152 P.2d 722, 723 (1944).
- ☐ I received a demand for possession (notice to terminate or vacate) but was not given a reasonable time to vacate. *Najewitz v. City of Seattle*, 21 Wn.2d 656, 659, 152 P.2d 722, 723 (1944).

Explain (*give details for any defenses checked in a.*):

b. Ejectment lawsuit was not started properly

- ☐ Plaintiff started this case before the termination or vacate notice expired. *FPA Crescent Assoc. v. Jamie's LLC*, 190 Wn.App. 666, 678, 360 P.3d 934 (2015).
- ☐ The Summons and Complaint were not served properly (*check all that apply*):
- ☐ I was never served the papers.
 - ☐ The papers were handed to someone who does not live with me.
 - ☐ The papers were handed to someone who was too young or didn't understand (someone who was not of suitable age and discretion).
 - ☐ The papers were posted on my door or mailed to me, but the Plaintiff did not try to have someone else hand them to me personally.
 - ☐ Plaintiff personally handed me the papers – they didn't have someone else do it.
 - ☐ Other problem with service (*specify*): _____

- ☐ The Summons was defective because it did not give me enough time to respond. Washington Civil Rule 4(a)(2) and 12(a). (CR 12(a)(1) says I get 20 days to respond if I was personally served. CR 12(a)(2)-(3) says I get 60 days to respond if I was served by publication, out of state, or in a jail, detention, or prison facility.)

Explain (give details for any defenses checked in b.):

c. Plaintiff lacks standing to file the lawsuit

- ☐ Plaintiff does not own the property or have the authority or agency to eject me.
- ☐ I have an ownership interest in the property.
- ☐ Other: _____

Explain (give details for any defenses checked in c.):

d. This is a landlord-tenant situation. Ejectment is improper.

- ☐ **Residential.** Plaintiff and I have a landlord-tenant relationship for the rental of a residential dwelling unit controlled by the **Residential Landlord Tenant Act (RLTA)**, RCW 59.18. Plaintiff (landlord) has not complied with the provisions of the RLTA before starting this lawsuit. RCW 59.18.650, RCW 59.12.040.
- ☐ **Mobile home.** Plaintiff and I have a landlord-tenant relationship for the rental of a mobile home lot/land controlled by the **Manufactured/Mobile Home Landlord Tenant Act (MHLTA)**, RCW 59.29. Plaintiff (landlord or mobile home park) has not complied with the provisions of the MHLTA before starting this lawsuit. RCW 59.20.080; RCW 59.12.040.
- ☐ **Other tenancies.** Plaintiff and I have a landlord-tenant relationship for the rental of real property (building or land) for a term less than life controlled by **RCW 59.12, and (check all that apply):**
- ☐ I had a rental agreement. We agreed my tenancy would end on (*date*): _____. My tenancy has not expired. RCW 59.12.030(1).
 - ☐ I had a month-to-month tenancy for an indefinite period. I never received a termination notice to end my tenancy. RCW 59.12.030(2).
 - ☐ I was not properly served a termination notice. RCW 59.12.030(2); RCW 59.12.040.
 - ☐ I received less than 20 days' notice to terminate my tenancy. RCW 59.12.030(2).

- ☐ Plaintiff claims I owe rent. I never received a three-day pay or vacate notice. RCW 59.12.030(3).
- ☐ Plaintiff claims that I've failed to perform under the terms of our agreement. I never received a 10-day notice to perform or vacate. RCW 59.12.030(4).
- ☐ Plaintiff claims that I committed or permitted waste or nuisance. I never received a 3-day notice to quit. RCW 59.12.030(5).

Explain (give details for any defenses checked in d.):

e. Other

☐ Other reasons I should not be ejected: _____

3. Attachments

- ☐ None.
- ☐ In support of my statements, I am attaching the following evidence to this Answer (*list any documents, declarations, photos, correspondence, etc.*):

4. Counterclaims

- ☐ **Reserved.** I may have counterclaims to bring against the Plaintiff in the future. I reserve my right to raise counterclaims later.
- ☐ **Counterclaims.** Plaintiff owes me \$ _____ because (*explain*):

Important! If you want the court to consider your counter claim for damages against Plaintiff in this same lawsuit, you **must** pay the filing fee with the Superior Court Clerk **or** file a motion to ask a judge to waive the filing fee.

5. Request

I ask the court to (*check all that apply*):

- ☐ **Dismiss** this lawsuit and enter a judgment against Plaintiff for any counterclaim, set-off, costs or attorney fees.
- ☐ **Continue (delay) this case and appoint counsel** as Defendant is a low-income tenant under RCW 59.18, RCW 59.20, or RCW 59.12. Plaintiff filed this ejectment trying to avoid the right to counsel, which is against public policy.
- ☐ **Give me a reasonable time to vacate**, allowing Defendant/s until (*date and time*): _____ to move out from the premises. Defendant/s ask the court to dismiss the lawsuit upon proof of Defendant/s vacating the premises.
- ☐ **Order Limited Dissemination** based on the prejudicial value of an ejectment filing in tenant screening reports. *See Seattle's Union Gospel Mission v. Bauer*, 22 Wn. App. 2d 934, 514 P.3d 710 (2022).
- ☐ **Other relief (specify)**: _____

Defendant asks the court to grant any other and further relief that this court deems just and equitable.

6. Proof of Service

I declare: on (*date*): _____, I served or will serve a copy of this Answer and Affirmative Defenses to Ejectment (including any attachments) to the Plaintiff or their attorney by (*check all that apply*):

- ☐ **hand delivery** ☐ **first class mail** ☐ **certified mail** to (*address*):

Street or mailing address *city* *state* *zip*

- ☐ **fax to**: _____ ☐ **email to**: _____
(*fax or email only if allowed by agreement, order, or your county's Local Court Rule*)

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

► _____
Defendant signs here *Print name*

I agree to accept legal papers for this case at (*check all that apply*):

- ☐ the following address (*this does **not** have to be your home address*):

Street or mailing address *city* *state* *zip*

- ☐ Email: _____

_____ Court of Washington, County of _____

Petitioner / Plaintiff:

And Respondent / Defendant:

No. _____

Declaration of
(name): _____

(DCLR)

(No mandatory form)

Declaration of (name): _____

1. I am (check one): ☐ the Petitioner / Plaintiff ☐ the Respondent / Defendant

☐ Other (relationship to people in this case): _____, age ____.

2. I declare:

